

Ryan Lee, Esq. (SBN 024846)
Krohn & Moss, Ltd.
10474 Santa Monica Blvd. 4th Floor
Los Angeles, CA 90025
T: (323) 988-2400; F: (866) 802-0021
rlee@consumerlawcenter.com
Attorney for Plaintiff
DONNA BLAKE

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA
TUCSON DIVISION**

DONNA BLAKE,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
)	
vs.)	(Unlawful Debt Collection Practices)
J.C. CHRISTENSEN & ASSOCIATES, INC.))	
)	
Defendant.)	

COMPLAINT

DONNA BLAKE (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against J.C. CHRISTENSEN & ASSOCIATES, INC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the

1 loss of jobs, and to invasions of individual privacy. Congress wrote the FDCPA to
2 eliminate abusive debt collection practices by debt collectors, to insure that those debt
3 collectors who refrain from using abusive debt collection practices are not competitively
4 disadvantaged, and to promote consistent State action to protect consumers against debt
5 collection abuses. *15 U.S.C. 1692(a) – (e)*.

6 2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by
7 Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by
8 Plaintiff, and this conduct caused Plaintiff damages.

9 3. Defendant acted through its agents, employees, officers, members, directors, heirs,
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
11 insurers.

12 JURISDICTION AND VENUE

13 4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
14 actions may be brought and heard before "any appropriate United States district court
15 without regard to the amount in controversy."

16 5. Because Defendant maintains a business office and conducts business in the state of
17 Arizona, personal jurisdiction is established.

18 6. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

19 7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

20 PARTIES

21 8. Plaintiff is a natural person who resides in the city of Tucson, Pima County, Arizona and
22 is allegedly obligated to pay a debt and is a "consumer" as that term is defined by *15*
23 *U.S.C. 1692a(3)*.

24 9. Defendant is a national company and conducts business in the State of Arizona.

25 10. Defendant uses instrumentalities of interstate commerce or the mails in any business the

principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.

12. Plaintiff requested a debt validation letter from Defendant, yet none was received.

13. Defendant sent a letter to Plaintiff a letter dated July 31, 2009. Defendant's letter implies that the communication is from an attorney when in fact it is not. The documents uses such terms as "Notice of Legal Review and Settlement Option," "RESURGENT CAPITAL SERVICES LP has prescreened and reviewed your account to be forwarded to an Attorney's office licensed in the state of Arizona," and "Take advantage of this opportunity to settle your account and as long as you maintain payment arrangement, suspend forwarding this account to an Attorney."

14. Defendant's letter fails to provide Plaintiff with the statement that "unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed valid by the debt collector." The letter also fails to provide Plaintiff with the statement that "if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector."

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant Violated §1692c(a)(1) of the FDCPA by contacting Plaintiff at a time and place known to be inconvenient.
- b. Defendant Violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff.
- c. Defendant Violated §1692d(5) of the FDCPA by causing the phone to ring and engaging Plaintiff in telephone conversations repeatedly.
- d. Defendant violated §1692e(10) of the FDCPA by engaging in false and deceptive means to collect a debt or obtain information about a consumer.
- e. Defendant violated §1692f of the FDCPA by engaging in unfair and unconscionable means to collect or attempt to collect the alleged debt.
- f. Defendant violated §1692g(a)(1-5) of the FDCPA by failing to provide appropriate notice of the debt within 5 days after the initial communication including: (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within 30 days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector; (4) a statement that if the consumer notifies the debt collector in writing within the 30-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and (5) a statement that, upon the consumer's written request within the 30-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

16. As a direct and proximate result of one or more or all of the statutory violations above Plaintiff has suffered emotional distress (see Exhibit "A").

1 WHEREFORE, Plaintiff, DONNA BLAKE, respectfully requests judgment be entered
2 against Defendant, J.C. CHRISTENSEN & ASSOCIATES. INC. for the following:

3 17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
4 Practices Act,

5 18. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

6 19. Actual damages,

7 20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
8 *15 U.S.C. 1692k*

9 21. Any other relief that this Honorable Court deems appropriate.

10
11 RESPECTFULLY SUBMITTED,

12 DATED: August 18, 2009

KROHN & MOSS, LTD.

13
14 By: /s/ Ryan Lee
15 Ryan Lee
16 Attorney for Plaintiff
17
18
19

20 **DEMAND FOR JURY TRIAL**

21 PLEASE TAKE NOTICE that Plaintiff, DONNA BLAKE, demands a jury trial in this
22 cause of action.
23
24
25

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, DONNA BLAKE, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DONNA BLAKE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 8/24/09

Donna Blake
DONNA BLAKE

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EXHIBIT A

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

1. Sleeplessness
2. Fear of answering the telephone
3. Nervousness
4. Fear of answering the door
5. Embarrassment when speaking with family or friends
6. Depressions (sad, anxious, or "empty" moods)
7. Chest pains
8. Feelings of hopelessness, pessimism
9. Feelings of guilt, worthlessness, helplessness
10. Appetite and/or weight loss or overeating and weight gain
11. Thoughts of death, suicide or suicide attempts
12. Restlessness or irritability
13. Headache, nausea, chronic pain or fatigue
14. Negative impact on my job
15. Negative impact on my relationships

YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO

Other physical or emotional symptoms you believe are associated with abusive debt collection activities:

*Ken Warner was nasty to me!
The letter sent was a denial
of my rights of validation, just as he said
he would do! I felt degraded and
abused as a person!*

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8/24/09

Signed Name

Printed Name

Donna Blake
Donna Blake